

Exhibit 41

Subject: FW: Re: Westpoint Marina Letter to Mark Sanders
From: PLG-Charles Jany <CJany@redwoodcity.org>
Date: Fri, 6 May 2011 10:51:05 -0700
To: 'mark sanders' <msanders@westpointmarina.com>

Mark:

Silent copy to you, FYI.

Thanks,
Charles

From: PLG-Charles Jany
Sent: Friday, May 06, 2011 10:14 AM
To: 'Tom Sinclair '
Cc: PLG-Jill Ekas; B&I-Fereydoun Shehabi; E&C-Peter Vorametsanti; E&C-Paul Willis; FD-Jamie Lee; PD Steve Blanc
Subject: Re: Westpoint Marina Letter to Mark Sanders

Dear Tom:

This is a follow up to your phone message inquiring about any subsequent permit and/or modifications to the Use Permit approved by the City on November 21, 2005 (I believe your message says you have a copy, if not, please advise).

As you can see in the enclosed letter dated June 16, 2008 the City (Planning, Building and Engineering along with Fire and Public Works) allowed the applicant (Mark Sanders) to phase his development; as part of the concerns outlined in this processing agreement, the City expressed strong concerns about providing public access to areas that were not improved. I understand BCDC is concerned about the provision for public access to pathways which makes sense on areas which are improved as planned and not under construction however in the yet-to-be developed Phase 2 and 3 areas (retail shops and boatyard) Mr. Sanders is required to control access until Phase 1 work is complete and the areas may be safely opened.

As it is now Mr. Sanders is completing Phase 1 of the BCDC approved bay trail improvements and he expects these to be completed by summer 2011. Mr. Sanders currently provides public access to designated BCDC trail areas not under construction. Because of the current construction activities, allowing public access to the unimproved portion of the site is of concern since there is no lighting, irrigation is stubbed out and planting improvements are not delineating the BCDC area designated for public enjoyment. Mr. Sanders is concerned about liability, The reported and observed presence of construction equipment, piles of landscaping material, building materials and open trenches would obviously not be safe beyond the barricaded areas (recent site photos will be sent under separate e-mail). Also, I suggest that you confirm that Mr. Sanders has a private license agreement with Cargill restricting his ability to provide access to Cargill from his property. The boundaries between Mr. Sanders and the Cargill lands are posted "no trespassing".

I also believe that the RWC Police Department routinely receives calls for service from Westpoint Harbor from trespassers on their unimproved lands.

Please feel free to call me if you have any questions on this matter.
Sincerely,
Charles

Charles Jany AICP

Principal Planner

Community Development Services Department

City of Redwood City

1017 Middlefield Road

Redwood City CA , 94063

(650) 780-7239

FX (650) 780-0128

cjany@redwoodcity.org

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P Think Green before printing this e-mail.

From: Tom Sinclair [<mailto:toms@bcdcc.ca.gov>]
Sent: Thursday, May 05, 2011 3:00 PM
To: PLG-Charles Jany
Subject: Westpoint Marina Letter to Mark Sanders

Dear Charles,

Attached is a PDF copy of a letter to Mark Sanders regarding the apparent outstanding BCDCC issues that need to be resolved at Westpoint Harbor and Marina. The original letter was sent to Mark yesterday and copied to you. It's a long letter and I don't know that it's necessary for you to read the entire thing, but please let me know if you have questions or concerns.

Thank you,

Tom

Tom Sinclair

*Coastal Program Analyst
San Francisco Bay Conservation & Development Commission
50 California Street, Suite 2600
San Francisco, CA 94111
Ph (415) 352-3659
Fx (415) 352-3606
tsinclair@bcdc.ca.gov*

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Subject: FW: Westppoint marina photos 5.5.11
From: PLG-Charles Jany <CJany@redwoodcity.org>
Date: Fri, 6 May 2011 10:52:22 -0700
To: 'mark sanders' <msanders@westpointmarina.com>

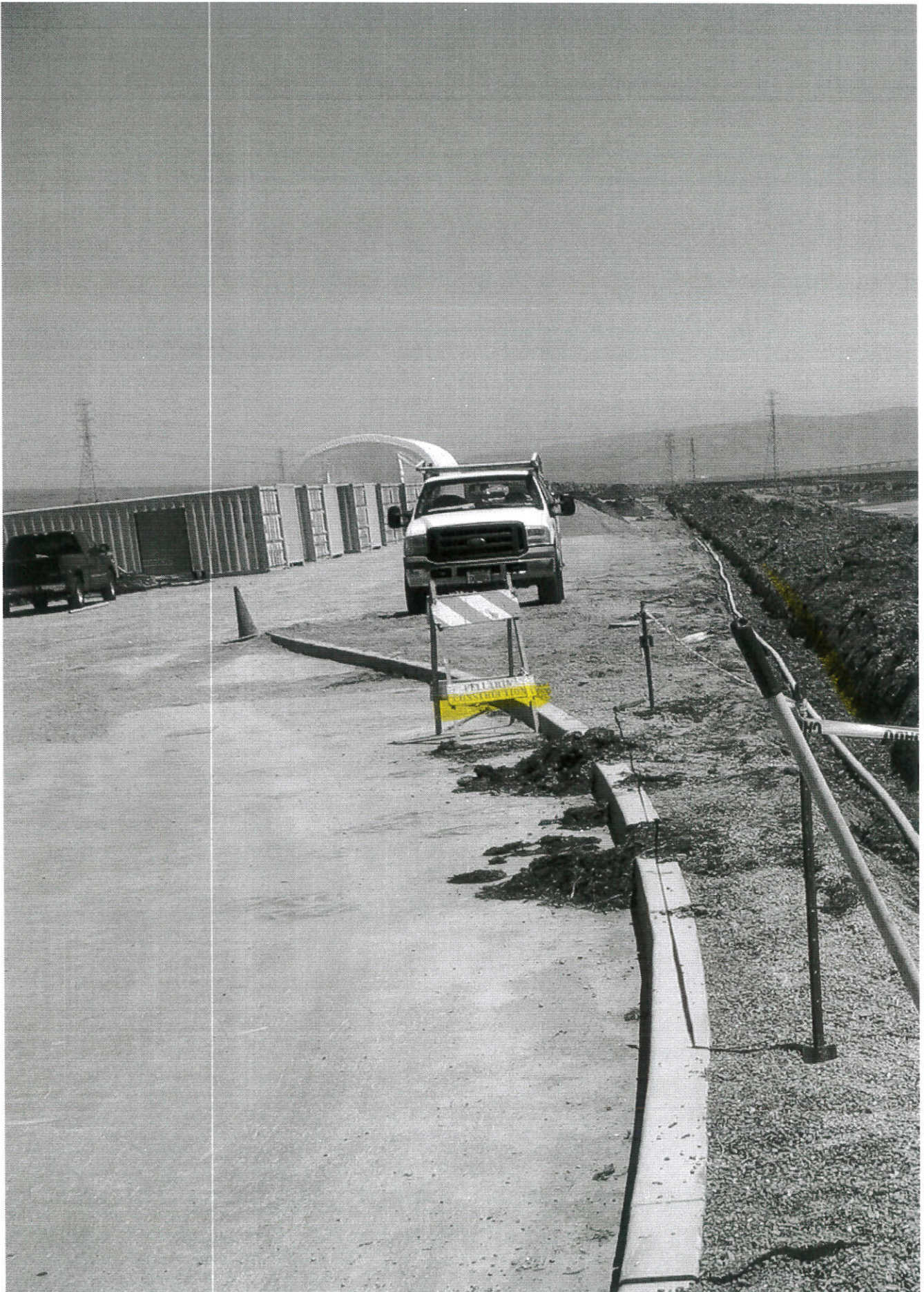
Mark:
Follow up to my silent copy to you.
Charles

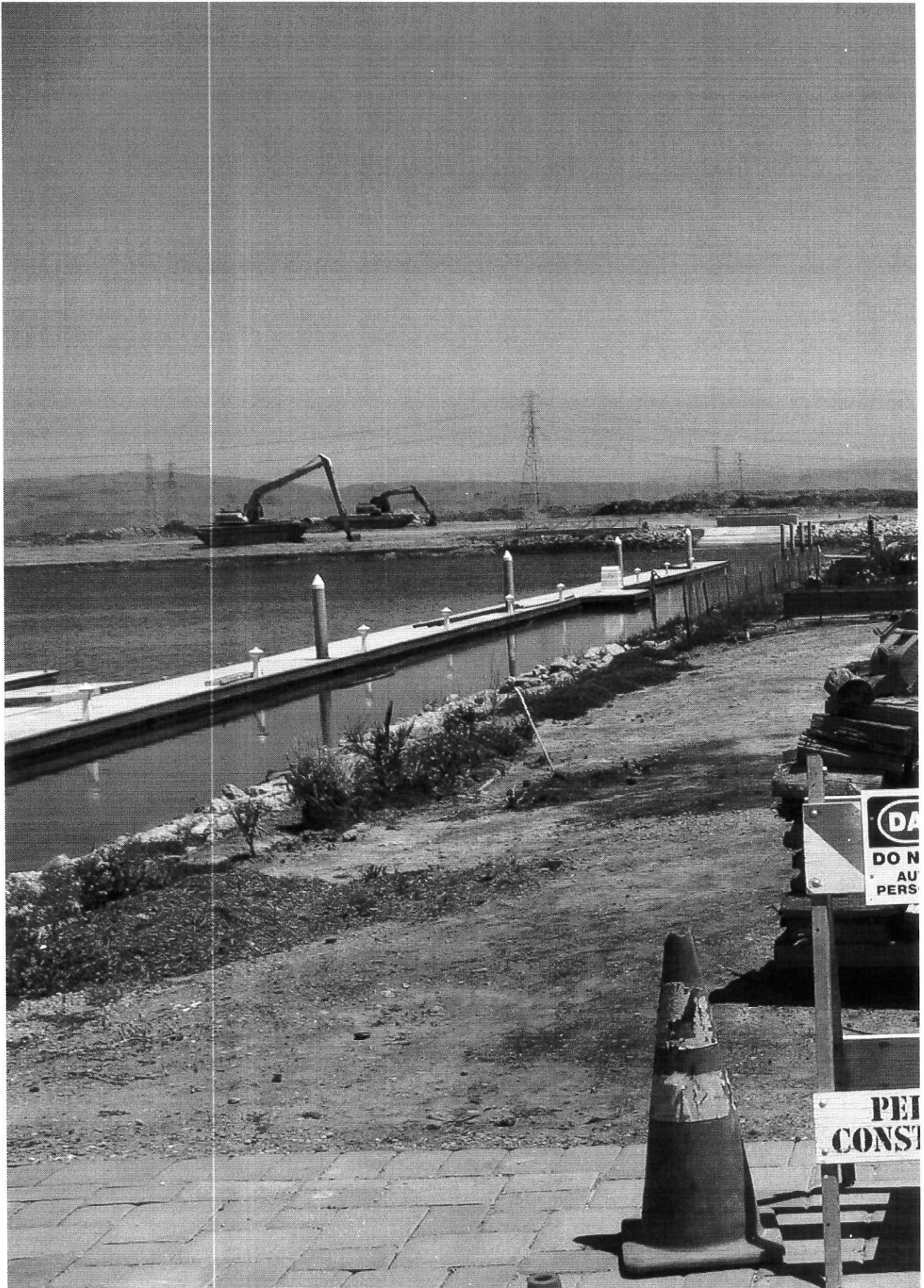
From: PLG-Charles Jany
Sent: Friday, May 06, 2011 10:18 AM
To: 'Tom Sinclair '
Cc: PLG-Jill Ekas; B&I-Fereydoun Shehabi; E&C-Peter Vorametsanti; E&C-Paul Willis
Subject: Westppoint marina photos 5.5.11

Tom:
Here are the photographs attached to my earlier message.
Charles

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IMG_0136.JPG



